

**Minutes
City Council/Redevelopment Agency/Public Financing Authority
City of Huntington Beach**

Monday, March 21, 2011
5:00 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audio recording of the 5:00 PM portion, and video recording of the 6:00 PM portion of this meeting is on file in the Office of the City Clerk and is archived at www.surfcity-hb.org/government/agendas/

5:00 PM - ROOM B-8

CALL TO ORDER - 5:02 PM

ROLL CALL

Present: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman

Absent: None

STUDY SESSION

1. Budget and Fiscal Outlook Update

Finance Director Lori Ann Farrell gave a PowerPoint presentation entitled *Update on Budget and Fiscal Outlook* that included the following titled slides: Budget Challenge, FY 2011/2012 State Budget Impact on Redevelopment Agency, Strategic Planning Follow-up, Revenue Options, Reductions by Department to Address Budget Challenge (Illustrative Purposes Only), Strategic / Surgical Cuts Review, Core Programs, Important Programs, Added Value Programs, City Attorney, City Clerk, Police, Fire, Public Works, Community Services, Planning & Building, Human Resources, Library Services, Information Services, Economic Development, Finance, City Manager's Office, and Next Steps.

Councilmember Dwyer and City Manager Wilson discussed contractual agreements including end dates and levels of service.

Councilmembers Bohr and Hansen questioned reporting on a matrix that categorized City services by department as core, important, and added value. Councilmember Hansen requested that the City Attorney provide more detail, and Councilmember Bohr voiced concern that Information Systems services were not listed as core.

Councilmember Hansen questioned if the City could consider a third party performance audit. Manager Wilson described ways to accomplish that task, and Councilmember Hansen suggested that Administration return to Council with independent proposals. Councilmember Shaw questioned why Public Information costs were not called out. Mayor Carchio discussed turning certain Community Service services over to the private sector, prompting Deputy City Manager Paul Emery to explain cost recovery for youth programs. Discussion ensued on raising rates on activities and Manager Emery explained how some programs dissolve due to lack of participation.

Manager Wilson reminded Council that a special meeting can be held in the next few weeks to examine core, important and added value items more closely.

ANNOUNCEMENT OF COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced the following communications that were received by her office following distribution of the Council agenda packet:

PowerPoint communication for Study Session Item No. 1 submitted by Lori Ann Farrell, Finance Director, and entitled *Update on Budget and Fiscal Outlook* dated March 21, 2011.

Matrix for Study Session Item No. 1 submitted by Lori Ann Farrell, Finance Director, entitled *Citywide Program Prioritization, sorted by Department, March 2011*.

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit) - None.

RECESS TO CLOSED SESSION - 5:40 PM

A motion was made by Shaw, second Bohr to recess to closed session by consensus of the City Council. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman

NOES: None

CLOSED SESSION

2. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Citizen's Association of Sunset Beach v. The City of Huntington Beach; Orange County Superior Court Case No. 30-2010-00431832. This action involves delaying the annexation pending a vote of the Sunset Beach Residents.

3. Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Manager; Paul Emery, Deputy

City Manager; Bob Hall, Deputy City Manager; Michele Carr, Director of Human Resources; and Lori Ann Farrell, Director of Finance, regarding labor negotiations with all labor groups.

6:00 PM - COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE
AUTHORITY MEETING - 6:12 PM

ROLL CALL

Present: Boardman, Dwyer, Bohr, Carchio, Hansen, Harper, and Shaw

Absent: None

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

PLEDGE OF ALLEGIANCE - Led by Councilmember Bohr.

INVOCATION - Led by Tom Hohman of Sts. Simon and Jude and the HB Interfaith Council.

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

AWARDS AND PRESENTATIONS

Presentation - Mayor Carchio and Councilmember Shaw called on Pastor Gary Watkins from Christ Presbyterian Church to accept a proclamation on the occasion of the three year anniversary of their Bread of Life Ministry.

Mayor's Award - Mayor Carchio called on Human Resources Director Michelle Carr to present the Mayor's Award to Rideshare Coordinator Noreen Swiontek.

ANNOUNCEMENT OF COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced communications received by her office following distribution of the City Council agenda packet:

Communication for Consent Item No. 8 received from Paul Emery, Deputy City Manager/Interim Community Services Director, dated March 21, 2011, and entitled *Late Communication Regarding Item #8 – Approve Memorandum of Understanding between the City and the Friends of the HB City Junior Guards; and approve construction of a storage building adjacent to the Marine Safety Educational Center.*

Communication on Consent Item No. 10 received from Michele Carr, Director of Human Resources, dated March 21, 2011, and entitled *Late Communication: Replacement RCA for the Huntington Beach Firefighters' Association (HBFA) and submittal of side letter agreement.*

Communications for Public Hearing Item No. 12 received regarding the Residential Curbside Refuse Collection Rates: Brenda Carroll, Judy Carroll, Patrick Horan, Charles Prescott (7), Cheryl Prescott (7), Paul Maimone, Edwin Bush, Ramie Pok, Joanne Sullivan (2), Priscilla Loi,

Patrick Horan, Yukie Chipman, Carrol Chipman, Nicasio F. Tumbocon, Eleanor Y. Tumbocon, Louis S. Caric, Pamela L. Myer, Gary Dutra, Angela Dutra, Michael Brandenburger, Minh-Long Hoang, Julie Do, Ann M. Strode, James B. Strode, Aaron Tse, Wyndie Tse, David R. Penilla, Teddi Alves, Lorna Yin, Elaine Goetz, Gayle Perry, Tam Pham, John Wafer, Paulette Wafer, Connie Ngo, Teresa R. Williams, Marco Archaga, Deborah Ortiz, Katie Stringer, Paul Sue, Sandra Hayes, Milan Salaya, Anna Vo, Victor P. Koman, Dianne Miller, Yolanda Batesor, George Damjanovic, Marcia Graves, Michael Graham, and Ron and Glenda Asher.

PUBLIC COMMENTS (3 Minute Time Limit)

(The number (hh:mm:ss) following the speaker's comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas/>).

Mike Wang, a 5-year Huntington Beach resident, stated his displeasure with the findings of the Police Department's investigation of his formal complaint against two Huntington Beach Police Officers for alleged brutality. (00:15:40)

Rick Pirritano and Steve Foster, Huntington Beach small business owners, requested further details regarding a bill for \$250 that they received for a storm drain inspection by the City. (00:19:02)

COUNCIL COMMITTEE - APPOINTMENTS - LIAISON REPORTS AND ALL AB 1234 DISCLOSURE REPORTING

Councilmember Dwyer reported attending an artist's demonstration at the Performing Arts Center.

Mayor Carchio reported attending a ceremony at Los Alamitos Naval Base honoring the return of the body of Sergeant Weaver, who was an El Dorado High School (Placentia) graduate killed in action in Afghanistan.

Councilmember Bohr submitted a written report that will be made available in the City Clerk's Office.

CITY MANAGER'S REPORT

City Manager Wilson reported that the City held a Disaster Preparedness Exposition at the Main Library on Saturday, March 19, that was attended by over 2,000 members of the community. He presented a short video during which Fire Chief McIntosh described the various venues and reported that over 1,200 Emergency Preparedness packets had been handed out.

CONSENT CALENDAR

1. Approved and adopted minutes.

A motion was made by Hansen, second Bohr to approve and adopt the minutes of the City Council/Redevelopment Agency/Public Financing Authority Special Meeting of March 1, 2011, and the Regular Meeting of March 7, 2011, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

2. Approved the appointments of Gil Coerper and Andi Hamamoto Kowal to the Fourth of July Board of Directors.

A motion was made by Hansen, second Bohr to approve the appointments of Gil Coerper and Andi Hamamoto Kowal to the Fourth of July Board of Directors as recommended by City Council Liaisons Mayor Joe Carchio, Councilmember Keith Bohr and Councilmember Joe Shaw. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

3. Approved Office of Criminal Justice Planning Grant Violence Against Women Program for 2011 and Approved Contract for Community Service Program, Inc.

A motion was made by Hansen, second Bohr to accept the grant between the State of California, Office of Criminal Justice Planning and the City of Huntington Beach; and, approve the appropriation of \$240,280, of which \$180,210 is to be fully reimbursed by the grant from the Office of Criminal Justice Planning. The remaining \$60,070 will be funded from appropriations in the Police Department's budget; and, authorize the expenditure of funds of \$240,280 plus interest to pay for the professional services contract between the City of Huntington Beach and Community Service Program, Inc. for Victim/Witness Advocate, and some operating costs related to the Domestic Violence Program for the first year of the contract; and, approve and authorize the Mayor and City Clerk to execute the "Professional Services Contract Between the City of Huntington Beach and Community Service Program, Inc. for Victim/Witness Advocate." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

4. Adopted Resolution No. 2011-13 adopting an amended Uniform Bail Schedule for parking violations.

Consent Item No. 4 was pulled for separate consideration by Councilmember Harper.

Police Chief Small stated that the sole purpose of Resolution No. 2011-13 was to correct typographical errors.

A motion was made by Harper, second Hansen to adopt Resolution No. 2011-13, "A Resolution of the City Council of the City of Huntington Beach, California, Adopting an Amended Uniform Bail Schedule for Parking Violations." The motion carried by the following roll call vote:

AYES: Boardman, Dwyer, Bohr, Carchio, Hansen, Harper, and Shaw
NOES: None

5. Approved project plans and specifications and awarded Construction contract in the amount of \$151,300.00 to Ace CD, Inc. for the Huntington Beach Central Park Sports Complex - 8th Field Project CC-1348.

A motion was made by Hansen, second Bohr to approve the project plans and specifications for the Huntington Beach Central Park Sports Complex - 8th Field CC-1348; and, accept the lowest responsive and responsible bid, submitted by Ace CD, Inc., in the amount of \$151,300.00; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

6. Approved City Council position on legislation, a regulation, or budget issues pending before a Federal State, or Regional Government as recommended by the City Council Intergovernmental Relations Committee (IRC).

A motion was made by Hansen, second Bohr to oppose SB 670 (Calderon) - Amendment to Section 7280 of the Revenue and Taxation Code, relating to occupancy taxes. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

A motion was made by Hansen, second Bohr to support AB 206 (Harkey) - an exemption for municipal fireworks shows from the California Environmental Act and the California Coastal Act. The motion carried by the following roll call vote:

AYES: Harper, Hansen, Carchio, Bohr, and Dwyer
NOES: Shaw, and Boardman

A motion was made by Hansen, second Bohr to adopt Resolution No. 2011-20, A Resolution of the City of Huntington Beach in opposition to the Governor's proposal to eliminate state funding for public libraries and literacy services in California. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

A motion was made by Hansen, second Bohr to authorize sending a letter to Congressman Rohrabacher in support of full funding for the Community Development Block Grant program for FY 2011. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

7. Received and Filed the City Treasurer's January 2011 Investment Summary Report.

A motion was made by Hansen, second Bohr to receive and file the Monthly Investment Report for January 2011, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

8. Approved Memorandum of Understanding between the City of Huntington Beach and Friends of the HB City Junior Guards; and approved construction of a storage building adjacent to the Marine Safety Educational Center.

A motion was made by Hansen, second Bohr to approve and authorize the Mayor and City Clerk to execute a "Memorandum of Understanding Between the City of Huntington Beach and Friends of the HB City Junior Guards;" and, approve construction of a storage building adjacent to the Marine Safety Educational Center for use by the Huntington Beach Junior Lifeguard program. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

9. Received and Filed Update of City of Huntington Beach Strategic Objectives.

A motion was made by Hansen, second Bohr to receive and file the updated status of the Six-Month Strategic Objectives. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

10. Adopted Resolution No. 2011-21 approving a Side Letter Agreement to modify the Memorandum of Understanding (MOU) between the City of Huntington Beach and the Huntington Beach Firefighters' Association (HBFA) regarding wage implementation deferral.

A motion was made by Hansen, second Bohr to adopt Resolution No. 2011-21, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Firefighters' Association (HBFA), By Adopting the Side Letter Agreement." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

11. Adopted Ordinance No. 3908 Amending Municipal Code Chapter 10.12 Relating to Speed Limits on 90 Street Segments Approved for Introduction January 18, 2011.

A motion was made by Hansen, second Bohr to adopt Ordinance No. 3908, "An Ordinance of the City of Huntington Beach Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

PUBLIC HEARING

(The number (hh:mm:ss) following the speaker's comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas/>).

12. Adopted Resolution No. 2011-19 AS AMENDED establishing 2011/2012 Residential Curbside Refuse Collection Rates with Rainbow Disposal Company, Inc., effective April 1, 2011 and billed to residential customers through the Water Billing process.

Public Works Director Travis Hopkins provided a PowerPoint presentation entitled *Residential Refuse Rate Adjustments*, with titled slides including Public Notification Process, Why is a Rate Increase Necessary?, Residential Trash Collection Program Overview, Proposed Rate Adjustment, Survey of Orange County Trash Collection Rates, Rainbow Compensation, City Administration & Maintenance, City Maintenance, Summary of Proposed Rate, and Recommended Council Actions.

City Clerk Joan Flynn reported the tally of all written protest letters received: 337 submitted, 303 valid, 34 invalid (no address or apartment number, not a written protest, without signature, not within city limits, and twenty-eight (28) from commercial accounts). Written, valid protest letters represent 1.29% of the number eligible to respond.

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn read into the record the names of individuals who submitted protests after distribution of the City Council agenda packet: Brenda Carroll, Judy Carroll, Patrick Horan, Charles Prescott (7), Cheryl Prescott (7), Paul Maimone, Edwin Bush, Ramie Pok, Joanne Sullivan (2), Priscilla Loi, Patrick Horan, Yukie Chipman, Carrol Chipman, Nicasio F. Tumbocon, Eleanor Y. Tumbocon, Louis S. Caric, Pamela L. Myer, Gary Dutra, Angela Dutra, Michael Brandenburger, Minh-Long Hoang, Julie Do, Ann M. Strode, James B. Strode, Aaron Tse, Wyndie Tse, David R. Penilla, Teddi Alves, Lorna Yin, Elaine Goetz, Gayle Perry, Tam Pham, John Wafer, Paulette Wafer, Connie Ngo, Teresa R. Williams, Marco Archaga, Deborah Ortiz, Katie Stringer, Paul Sue, Sandra Hayes, Milan Salaya, Anna Vo, Victor P. Koman, Dianne Miller, Yolanda Batesor, George Damjanovic, Marcia Graves, Michael Graham, and Ron and Glenda Asher.

Mayor Carchio opened the public hearing.

Phil Burtis, speaking on behalf of a Huntington Beach community advocacy organization known as Surf City Tea, rendered their opinion that the notification letter sent to residents regarding the proposed increase in residential curbside refuse collection rates was quite misleading, and that the proposed increase in City administrative fees was an afterthought and not particularly well explained. (00:47:05)

David Morzella, an 11-year Huntington Beach resident, spoke in opposition to Resolution No. 2011-19 (Residential Curbside Refuse Collection Rates), stating his concerns with the terms of the contract with Rainbow Disposal Company, and the inclusion of an education fee in the overall residential curbside refuse collection rate. (00:50:45)

David Keough, a concerned citizen, spoke in opposition to Resolution No. 2011-19 (Residential Curbside Refuse Collection Rates), rendering his opinion that the City's administrative costs for refuse collection are not credible, and that the proposed rate increases are attributable to what he considers the City's bloated, wasteful and inefficient government. (00:54:10)

Victor Koman, a 27-year Huntington Beach resident, spoke in opposition to Resolution No. 2011-19 (Residential Curbside Refuse Collection Rates), and rendered his opinion that Rainbow

Disposal Company is a monopoly, and that the "Three Bin System" is an unfunded mandate on the citizens of Huntington Beach. (00:57:06)

Connie Ngo spoke in opposition to Resolution No. 2011-19 (Residential Curbside Refuse Collection Rates). She presented a display board of the alleged current dollarized profits that Rainbow realizes from refuse collection, and questioned why a rate increase is needed. (00:59:25)

Jerry Barry, a 41-year Huntington Beach resident, stated his frustration with the perceived endless increases in taxes and fees by government entities. (01:03:34)

Joshua Wafer, a Huntington Beach resident and property owner, spoke in opposition to Resolution No. 2011-19 (Residential Curbside Refuse Collection Rates). (01:06:00)

Frank Williams spoke in opposition to Resolution No. 2011-19 (Residential Curbside Refuse Collection Rates). He stated his concerns regarding trash collection workers, the unwieldiness of the rubbish collection barrels provided by the City, and the perceived exorbitant profits from trash collection. (01:08:10)

Mayor Carchio closed the public hearing.

Councilmember Boardman and Public Works Director Hopkins discussed the reasons for the differences between the Fountain Valley and Huntington Beach monthly fees for Rainbow Disposal Company's curbside refuse collection service.

Councilmember Harper reported the monthly refuse collection fees for single family residences in numerous cities of a similar size to Huntington Beach.

Councilmember Bohr called upon Ron Shenkman and Bruce Shuman of Rainbow Disposal Company to explain the rationale behind their proposed 34 cent rate increase.

Mayor Pro Tem Hansen rendered his opinion that the proposed increase in City administrative and maintenance fees is not substantiated by good and candid data.

Councilmember Boardman voiced her support for the administrative and maintenance fees for three trimming.

A motion was made by Hansen, second Dwyer to Adopt Resolution No. 2011-19, "A Resolution of the City Council of the City of Huntington Beach Adjusting and Ratifying Residential Refuse Rates By The Formula Established In The Revised and Restated Refuse Collection And Disposal Services Franchise Agreement" ***as amended to increase the residential refuse rate by 34 cents for Rainbow Disposal costs but to decline the 30 cent increase for City administration and maintenance.*** The motion carried by the following roll call vote:

AYES:	Dwyer, Carchio, Hansen, Harper, and Shaw
NOES:	Boardman, and Bohr

The Council discussed in detail the reasons why they opposed or supported Mayor Pro Tem Hansen's motion.

ORDINANCES FOR INTRODUCTION

13. Approved for introduction Ordinance No. 3886 amending Chapter 2.111 of the Huntington Beach Municipal Code relating to the setting of appeal hearings on Public Works Commission's decisions to remove crosswalks.

City Manager Wilson stated the purpose of Ordinance No. 3886.

A motion was made by Bohr, second Hansen to after the City Clerk reads by title, approve for introduction Ordinance No. 3886, "An Ordinance of the City of Huntington Beach Amending Chapter 2.111 of the Huntington Beach Municipal Code Relating to Duties and Powers of the Public Works Commission." The motion carried by the following roll call vote:

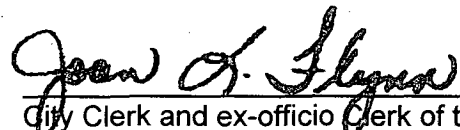
AYES: Boardman, Dwyer, Bohr, Carchio, Hansen, Harper, and Shaw
NOES: None

COUNCILMEMBER COMMENTS (Not Agendized)

Comments provided by Mayor Carchio and Councilmembers Harper and Dwyer.

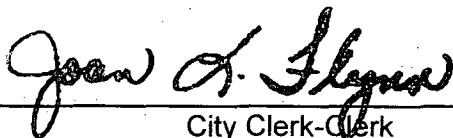
ADJOURNMENT

At 8:10 PM, Mayor Carchio adjourned the meeting to Monday, April 4, 2011, at 5:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California 92648.



City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:


City Clerk-Clerk
Mayor-Chair